

MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

| | | | |
|--------------------------------|-----------------------|-----------------------|-----------|
| HON. <u>MYRON H. THOMPSON,</u> | JUDGE | AT <u>MONTGOMERY,</u> | ALABAMA |
| DATE COMMENCED | <u>AUGUST 2, 2005</u> | AT <u>3:06</u> | A.M./P.M. |
| DATE COMPLETED | <u>AUGUST 2, 2005</u> | AT <u>3:50</u> | A.M./P.M. |

| | | |
|--------------------------------------|---|--------------------|
| ANTHONY T. LEE |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff-Intervenor |) | |
| and Amicus Curiae |) | |
| |) | |
| NATIONAL EDUCATION ASSOCIATION, INC. |) | |
| |) | |
| Plaintiff-Intervenor |) | |
| |) | |
| v |) | CA No. 3:70cv846-T |
| |) | |
| MACON COUNTY BOARD OF EDUCATION, |) | |
| et al |) | |
| |) | |
| Defendants |) | |

| <u>PLAINTIFF(S)/GOVERNMENT</u> | <u>APPEARANCES</u> | <u>DEFENDANT(S)</u> |
|----------------------------------|--------------------|-----------------------------|
| | X | |
| Atty Fred Gray, Jr. | X | Atty Deborah Biggers |
| Atty Pauline Miller | X | |
| | X | Attys Reginald Sorrells and |
| Atty Lateefah Muhammad (Proposed | X | Juliana Dean (NOTICES OF |
| Intervenors) | X | APPEARANCE HAVE NOT BEEN |
| | x | FILED) |
| | X | |

| <u>COURT OFFICIALS PRESENT:</u> | | |
|---------------------------------|-----------------------------------|-------------------------------------|
| Kristen Nelson, Law Clerk | Sheila Carnes, Courtroom Clerk | Mitchell Reisner, Court Reporter |

PROCEEDINGS:

() NONJURY TRIAL

(x) OTHER PROCEEDING: STATUS CONFERENCE

3:06 p.m. Telephone status conference commenced:

I Defendant Macon County Board of Education's motion for expedited approval to close schools (Washington Public School and South Macon School) and for the opening of a

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August 2, 2005, Telephone Status Conference before Judge Myron Thompson
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new elementary school (George Washington Carver Elementary School). The state takes no position re motion other than making sure that facility plans meet state requirements; plaintiff opposes the motion to the extent that they want a hearing and limited discovery; United States has no opposition other than the timeliness of the motion. Oral argument heard.

II Motion to Intervene. Oral argument heard.

Parties do not oppose the closing of Washington Public School. **ORAL ORDER** (written order to follow) granting defendant's motion for expedited approval to close school as it pertains to Washington Public School, directing plaintiff to submit discovery questions to the defendant no later than 9:00 a.m. on Thursday (8/4/05), directing the defendant to respond by 5:00 p.m. on Friday (8/5/005), and directing plaintiff to file a response to the motion by Tuesday (8/9/05) at noon. Motion to Intervene taken under advisement; order to issue by Thursday (8/4/05). If motion to intervene is granted, response to motion to close school, etc., is due by Tuesday (8/9/05), as well.

3:50 p.m.

Conference concluded.